

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

<p>Ravel Rodriguez,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">-v-</p> <p>A.C.A. Industries, Inc., d/b/a American Maintenance,</p> <p style="text-align: center;">Defendant.</p>	<p>Civ. Action #: 20-CV-05781 (DG)(AYS)</p> <p>Plaintiff's Declaration in Opposition to Defendant's Motion to Dismiss</p>
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I, Ravel Rodriguez, declare pursuant to 28 U.S.C. § 1746, under penalty of perjury that the following declaration is true and correct to the best of my understanding and knowledge:

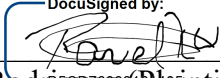
1. I am the Plaintiff Ravel Rodriguez ("Plaintiff" or "Rodriguez") in the above-entitled action.
2. I make this declaration in opposition to the motion of Defendant A.C.A. Industries, Inc., d/b/a American Maintenance ("Defendant"), to dismiss my case.
3. I was employed by Defendants from in or around April 2018 to on or about October 30, 2020.
4. It is my understanding that I am not allowed to testify about the issues at this stage of the case, but I am submitting this declaration to verify and introduce the text messages attached hereto as Exhibit 1. The text messages attached hereto as Exhibit 1 are true and correct copies of text messages that were exchanged between me and Mr. Jose Ochoa between October 29, 2020 and October 30, 2020. Mr. Ochoa was a manager who worked for Defendant at the time I was employed by Defendant. My messages in Exhibit 1 have a blue background with white text and Mr. Ochoa's messages have a grey background with black text and reads *"I just spoke to my bosses. If you don't want to sign it you can't return to*

work.” The “document” that I am referring to in Exhibit 1 is the document that Defendant submitted as Exhibit B and which my attorney forwarded to me.

5. My attorney will be handling all the legal matters, arguments and points.
6. I kindly ask that the Court deny Defendant’s motion to dismiss my case.

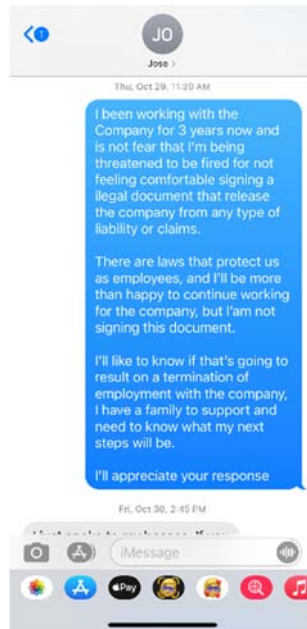
I declare pursuant to 28 U.S.C. § 1746, under penalty of perjury that the foregoing declaration is true and correct to the best of my understanding and knowledge.

Dated: 3/26/2021 _____

DocuSigned by:


Ravel Rodriguez (Plaintiff)

Exhibit 1



Fri, Oct 30, 2:45 PM

I just spoke to my bosses. If you don't want to sign it you can't return to work.

Fri, Oct 30, 4:31 PM

What they're doing is called retaliation and that's against the State Labor laws

Delivered